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Paper No. 5

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In re Application of  
Cheung et al.  
Application No. 09/922,028  
Filed: August 3, 2001  
Attorney Docket No. 9623/329

**OFFICE OF PETITIONS  
ON PETITION**

This is a decision on the petition under 37 C.F.R. § 1.183, filed November 13, 2001, to waive 37 CFR 1.52(e).

When a compact disc has been submitted as part of an application, one is required to list the files on the disc in the application and on the transmittal sheet. In the instant case, applicant seeks a waiver of the requirement and seeks to submit such a listing on compact disc rather than in the application and on the transmittal sheet.

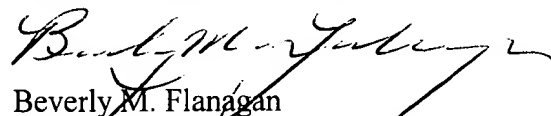
The petition is **granted**.

Petitioner has demonstrated that a listing of the files would be over 1,000 pages long. Petitioner has submitted a "table" on the compact disc listing each file on the disc by file name, file size, and creation date.

Petitioner should note that petitioner, and not the Office, is responsible for identifying and correcting any difference between the file list on the compact disc and the files actually on the compact disc.

The file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy